

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1330 - SB 1359**

February 24, 2021

**SUMMARY OF BILL:** Prohibits a public or private employer from discriminating against an applicant or employee in hiring, termination, or as a term or condition of employment, or otherwise penalize an applicant or employee based on a drug test that indicates the use of marijuana by the applicant or employee. Provides an exception to this prohibition for the following:

1. To a person employed in, or applying for:
  - a. A safety-sensitive position, as defined in Tenn. Code Ann. § 50-9-103;
  - b. A position that engages in the practice of the healing arts, as defined in Tenn. Code Ann. § 63-1-102; or
  - c. A position in a school, when the person's responsibilities include the supervision of children;
2. When federal law requires action be takes against such applicant or employee, or requires the withholding or reduction in federal funds for the failure of an employer to take actions against such employee or employer; or
3. To reasonable-suspicion drug testing, as defined in Tenn. Code Ann. § 50-9-103; as long as the report of drug use alleges the use of marijuana while at work.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- This legislation may require the Department of Human Resources (DHR) to revise current policies or procedures to meet the requirements of this legislation.
- This legislation may require the DHR to provide additional training for managers and supervisors.
- The DHR can revise its policies and procedures and provide additional training to managers and supervisors, as necessary, utilizing existing resources, without an increase in state expenditures or a reduction to its annual reversion.

## **IMPACT TO COMMERCE:**

**NOT SIGNIFICANT**

Assumption:

- This legislation is estimated to have no significant impact on jobs or commerce in this state.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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